

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION**

This Document Relates To: All Actions

Case No.: 2:21-cv-00678-JS-AYS

**DECLARATION OF GARY F. LYNCH IN
SUPPORT OF MOTION TO APPOINT
GARY F. LYNCH AND JEFFREY K.
BROWN AS INTERIM CO-LEAD CLASS
COUNSEL AND JUDGE JOHN G.
MARKS (RET.) AS LIAISON COUNSEL**

1. My name is Gary F. Lynch, and I am a founding partner of the law firm Carlson Lynch, LLP (“Carlson Lynch”). This Declaration is made in support of my application as Co-Lead Counsel alongside Erin Green Comite of Scott + Scott, Attorneys at Law, LLP.

2. The statements in this Declaration are true and correct to the best of my knowledge and made under the penalty of perjury.

3. Attached to this Declaration as Exhibit A is the Carlson Lynch firm resume.

4. I have abundant experience as appointed leadership counsel in MDLs and consolidated actions. For example, some recent cases in which I have held leadership roles include: *In re: FedLoan Student Loan Servicing Litig.*, MDL No. 2833 (E.D. Pa.) (co-lead counsel); *In re Wawa, Inc. Data Security Litig.*, No. 2:19-cv-6019 (E.D. Pa.) (co-lead counsel, financial institution track); *In re Equifax, Inc. Customer Data Security Breach Litig.*, MDL No. 2800 (N.D. Ga.) (co-lead counsel, financial institution track); *In re: Home Depot, Inc., Customer Data Security Breach Litig.*, MDL No. 2583 (N.D. Ga.) (co-lead counsel, financial institution track); *First Choice Federal Credit Union v. The Wendy’s Co., et al.*, No. 2:16-cv-00506 (W.D. Pa.) (co-lead counsel); *In re Marriott Int’l Customer Data Security Breach Litig.*, MDL No. 2879 (D. Md.) (steering committee); *In re: Target Corp. Customer Data Sec. Breach Litig.*, MDL No. 2522 (D. Minn.) (executive committee); *In re: Ashley Madison Customer Data Security Breach Litig.*, No. 4:15-md-2669 (E.D. Mo.) (executive committee); *In re: Arby’s Rest. Group, Inc. Data Sec. Litig.*,

No. 1:17-mi-55555 (N.D. Ga.) (executive committee); *Bellwether Community Credit Union v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01102 (D. Colo.) (executive committee); *In re Vizio, Inc. Consumer Privacy Litig.*, MDL No. 2693 (C.D. Cal.) (steering committee); *In re: Community Health Systems, Inc. Customer Data Security Breach Litig.*, MDL No. 2595 (N.D. Ala.) (steering committee); *Greater Chautauqua Fed. Credit Union v. Kmart Corp.*, No. 1:15-cv-02228 (N.D. Ill.) (steering committee); *Ellis v. Edward Jones*, MDL No. 1779 (N.D. Ohio) (chair of leadership committee).

5. I also have a long record of representing consumers in class actions for a wide variety of claims. In addition to the numerous data breach and privacy-related actions listed above (many of which involve consumer plaintiffs), I currently serve as co-lead counsel for student loan borrowers in the *In re FedLoan* MDL, which concerns claims against a major loan servicer and the federal government for deceptive and negligent loan servicing practices.

6. In *Morrow v. Ann Inc.*, No. 16-cv-3340 (S.D.N.Y.), I served as co-class counsel for consumers who alleged deceptive pricing practices by a major national retail chain. The action ended in 2018 with an approved class settlement recovering \$6.1 million worth of benefits.

7. In *Luca v. Wyndham Hotel Group, LLC*, No. 2:16-cv-746 (W.D. Pa.), I served as co-class counsel in an action alleging that a hotel operator violated New Jersey consumer protection statutes by charging mandatory “resort fees” at certain locations and failing to fully and accurately disclose those charges at the beginning of the booking process. The case resolved in 2019 with a class settlement providing up to \$7.6 million in total benefits.

8. My firm served as co-lead counsel in *In re Community Bank of N. Va.*, MDL No. 1674 (W.D. Pa.), a case involving claims of tens of thousands of second mortgage borrowers under the Real Estate Settlement Procedures Act, Truth in Lending Act, and other statutes. A class of borrowers was certified in the district court, affirmed by the Third Circuit, and reached a

settlement in 2017 which led to a \$24 million recovery after an arbitration trial, where I served as one of the plaintiffs' primary trial counsel.

9. To date, Carlson Lynch attorneys and staff have dedicated significant time to the prosecution of this litigation and will continue devoting any and all resources required, including, but not limited to, significant time and cost for matters of discovery, expert work with respect to consumer expectations and damages in connection with class certification, and, if necessary, bringing this case through trial and any appeals.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate. Executed on May 27, 2021, in Pittsburgh, PA.

Dated: May 27, 2021

CARLSON LYNCH, LLP

By: /s/ Gary F. Lynch

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